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8 UNITED STATES DISTRICT COURT

9 NORTHERN DISTRICT OF CALIFORNIA

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11 BOARD OF TRUSTEES OF THE SHEET) NO. C 07 3204 PJH
12 METAL WORKERS, et al.,)
13) (PROPOSED)
14 vs.) ORDER AND
15) DEFAULT JUDGMENT
16 MTB INC., etc.,)
17)
18 Defendant.)
-----)

19 Good cause appearing therefor, it is hereby ORDERED that
20 default judgment be entered in favor of Plaintiffs, BOARD OF
21 TRUSTEES OF THE SHEET METAL WORKERS HEALTH CARE PLAN OF NORTHERN
22 CALIFORNIA, SHEET METAL WORKERS PENSION TRUST OF NORTHERN
23 CALIFORNIA, SHEET METAL WORKERS LOCAL 104 VACATION, HOLIDAY SAVINGS
24 PLAN; ANTHONY ASHER, TRUSTEE, against defendant, MTB INC., a
California corporation,, as follows:

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ORDER AND DEFAULT JUDGMENT

1	1. Principal	
2	Contributions	\$9,768.62
3	Liquidated Damages	5,076.01
4	2. Interest	2,280.70
5	3. Attorneys fees	740.00
6	4. Costs	<u>430.00</u>
7	TOTAL:	\$18,295.33

9 IT IS FURTHER ORDERED AND ADJUDGED in light of the
10 decision in International Union of Operating Engineers v. Richard
11 D. Karr, No. 91-35846 (9th Cir. 1993), the only issue raised in
12 this proceeding through the date of this default judgment is the
13 failure of defendant to pay known delinquent contributions for the
14 months of December 2005, May 2006, April 2007 and June 2007 based
15 upon unaudited financial information. The Court allows plaintiff
16 Trust Funds to reserve their rights to audit the defendant employer
17 for any periods not previously audited, including the time period
18 referred to above. Entry of this Judgment has no effect whatsoever
19 on either (a) plaintiff Trust Funds' right to audit defendant and
20 collect by subsequent legal action any sum found thereby to be due,
21 or (b) plaintiff Trust Funds' right to collect by subsequent legal
22 action any sums found to be due for any time period other than the
23 one referred to above.

24 DATED: _____

JUDGE PHYLLIS J. HAMILTON